IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.
IN INSOLVENCY

NOTICE OF MOTION NO. 60 OF 2005.
IN
NOTICE NO. N/51 OF 2005.

Re: Nirmala Hariram Bachani
& ors.
Judgment Debtor.

Ex-parte:
Nandlal Kimatram Ghianani
Judgment Creditor.

WITH

NOTICE OF MOTION NO. 61 OF 2005
IN
NOTICE NO. N/52 OF 2005.

Re: N.H.Bachani & ors.
Judgment Debtor.

Ex-parte:
V.M. Ahuja.... Judgment Creditor.

Mr. K.P. Jain for Judgment Debtor No.1.
Mr..R.D. Seth i/b N.N. Vaishnav & Co.for Judgment Creditor.

CORAM : V.C.DAGA, J.

DATED : 7.2.2006.

P.C. :

. Heard learned Counsel for the Judgment Debtor No.1 for setting aside Insolvency Notices dated 10.12.2004 and 1.3.2005 served on judgment debtor No.1 on 7.3. 2005. The submission sought to be advance is that the Judgment Creditor has proceeded only against judgment debtor No.1 and not against other partners of the firm. Learned Counsel for the Judgment Debtor No.1 has further submitted

that as per his belief other partners may have made payment of some amount in favour of Judgment Creditor which they did not disclose. This assertion has been denied by other partners. Judgment has denied this fact. There is no material to support the submission sought to be advanced on behalf of the Judgment Debtor No.1.

. In the above view of the matter, no case is made out to set aside insolvency notices referred to in the notice of motion. Both the Notices of Motion are, therefore, rejected with no order as to costs.

(V.C.DAGA,J.)